HON'BLE DR. JUSTICE G. YETHIRAJULU

W.P.No. 30425 of 1998

DATED: 12-12-2007

Between:

1. Dr. K. Venkateshwar Rao
S/o Satyanarayana Rao
R/o Siddipet, Medak District and another.

…… Petitioner

and

1. The Executive Engineer, R&B, Medak.

…….. Respondents

HON'BLE DR. JUSTICE G. YETHIRAJULU

W.P.No. 30425 of 1998

ORDER:

This writ petition has been filed by the petitioners seeking a direction to the respondents to forbear from laying drain abutting Hyderabad-Medak Road passing through Siddipet Town, in the open yard admeasuring 220 feet x 15 feet in front of the premises No.8-2-147 to 150 in Siddipet Town, Medak District.

2. The petitioner contended that they are the owners of the open yard admeasuring 220 feet x 15 feet in front of the premises No.8-2-147 to 150 in Siddipet Town, Medak District. The Government has been widening all the State Highways and a meeting of all the effected persons and various concerned Government Departments was held on 06-11-1997. A simple notice was served on the brother of the first petitioner. In the meeting, the concerned authorities resolved to lay a road of 80 feet width. Thus it has to be 40 feet on either side of the centre point and by the said of the road open drain shall be laid. The respondents 1 and 2 came to the premises of the petitioners on 30-10-1998 and gave markings to excavate for laying drains right abutting their shops. The width of the road in front of their shops becomes 55 feet. By this indirect method and for an unwarranted purpose, the respondents have attempted to grab and usurp their property. Therefore, the action of the respondents in laying drain beyond the 40 feet width road will take away their property, therefore, the present writ petition has been filed seeking relief as mentioned above.

3. The first respondent filed a counter mentioning that the width of the road at the premises of the petitioners is 100 feet and it belongs to the Road & Buildings Department. Wherever there is encroachment of the road, the buildings are being removed and drain is being laid. But in so far as the frontage of the writ petitioners is

concerned, there is no such encroachment and hence, the question of laying of drain as alleged by the petitioners is absolutely baseless and incorrect.

4. The learned counsel for the respondents submitted that the drain proposed to be laid is only within the premises of Roads & Buildings Department and it is not being laid in the premises of the petitioners. The drain is proposed to be laid not only in front of the premises of the petitioners, but also throughout the road, therefore, there cannot be any grievance to the petitioners on the ground that their premises will also be taken away for laying the drain.

5. In the counter affidavit the respondents have categorically mentioned that there is no encroachment and they are not touching the premises of the petitioners. The drain is laid exclusively within the area of the Road & Buildings Department abutting the road, therefore, there cannot be any grievance to the petitioners and there is no cause of action for the petitioners to approach this Court seeking the Writ remedy. I do not find any merits in this Writ Petition.

6. Accordingly, the Writ Petition is dismissed. No costs.

DR. G. YETHIRAJULU, J

Date:12-12-2007
YCR